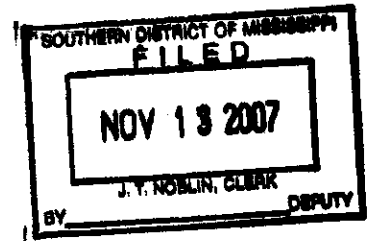


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION
JACKSON



BOARD OF TRUSTEES OF THE
MISSISSIPPI SHEET METAL WORKERS'
HEALTH AND WELFARE FUND, BOARD OF
TRUSTEES OF SHEET METAL WORKERS'
LOCAL 406 APPRENTICESHIP AND TRAINING FUND
AND SHEET METAL WORKERS' INTERNATIONAL
ASSOCIATION, LOCAL UNION NO. 406

PLAINTIFFS
3:06cv597-DPJ-JCS
3:06cv59DPJ-JCS

V

CIVIL ACTION NO. 3:06cv59DPJ-JCS

AIR-COMFORT ENGINEERING CO.

DEFENDANT

AGREED JUDGMENT

THIS MATTER has come before the Court on the Stipulation for Judgment entered into by the parties to the above captioned action. The Court having considered this matter hereby finds as follows:

1. The Defendant owes to the Health and Welfare Fund unpaid contributions of \$35,075.35. The Defendant owes interest on the unpaid contributions to the Health and Welfare Fund at the rate of 6% per annum commencing on the due date of each monthly payment that is in arrears. Such interest on the unpaid contributions to the Health and Welfare Fund is the sum of \$2,104.54. Defendant owes the Health and Welfare Fund liquidated damages at the rate of 15% on the unpaid contributions for a total amount of \$5,261.30. The total amount owed to the Health and Welfare Fund is \$42,441.19.

2. The Defendant owes to the Local Training and Apprenticeship Fund unpaid contributions of \$14,026.13. The Defendant owes interest on the unpaid contributions to the Local Training and Apprenticeship Fund at the rate of 6% per annum commencing on the due

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date of each monthly payment that is in arrears. Interest on the unpaid contributions to the Local Training and Apprenticeship Fund that is the sum of \$165.60. Defendant owes the Local Training and Apprenticeship Fund liquidated damages at the rate of 15% for a total amount of \$2,103.92. The total amount owed to the Local Training and Apprenticeship Fund is \$16,295.65.

3. The Defendant has agreed to pay to Plaintiffs the Court filing fee of \$250 and attorney's fees in the sum of \$2,500 as taxable costs in this action which will be apportioned by half for the Plaintiffs.

4. IT IS ORDERED AND ADJUDGED that the Plaintiff Board of Trustees for Mississippi Sheet Metal Workers Health and Welfare Fund recover judgment of and from the Defendant in the sum of \$43,816.19..

5. IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff Local 406 Sheet Metal Workers Training and Apprenticeship Fund recover judgment of and from the Defendant in the sum of \$17,670.65.

6. The parties have entered into a Stipulation for Judgment under the terms of which the Plaintiffs have agreed not to execute on the amount of unpaid contributions owed and to reduce the amount of unpaid interest owed and the amount of liquidated damages. In exchange, the Defendant has agreed to pay the total sum of \$43,042.85 to be paid in eight equal monthly installments of \$5,380.36 on the seventh day of each month with the first payment to be made on or before November 7, 2007. In this regard the Plaintiffs have agreed that interest will not accrue on the total amount agreed upon as long as the Defendant timely pays each of the monthly installments and pays each future monthly installment of contribution is owed to the Defendant that is to accrue.

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7. Execution of the judgments entered herein are stayed provided the Defendant regularly pays the eight monthly installments in the amounts and on the dates agreed to by the parties.

8. Should the Defendant become delinquent on any of the eight monthly payments, the stay of execution of judgment shall terminate as to the Defendant, fourteen (14) days after written notice of such defaulted payment is mailed postage prepaid to the Defendant at its regular business address of 381 Hwy. 11 & 80 East, Meridian, MS 39301-2780 unless within the fourteen (14) day period Defendant pays the defaulted sum.

9. Pursuant to the request of the parties the Court retains jurisdiction over this matter to enforce the settlement until there has been performance in full of its terms.

ORDERED AND ADJUDGED this the 13th day of November, 2007.


UNITED STATES DISTRICT JUDGE

APPROVED AND AGREED:


Samuel Lee Begley, MSB No. 2315
Attorney for Plaintiffs

By: 

Jan Cade

Title: Owner

Defendant Air Comfort Engineering Co.